United States Department of Labor
Employees' Compensation Appeals Board

K.H., Appellant	)	
and	)	**Docket No. 26-0544**
	)	**Issued: September 9, 2026**
U.S. POSTAL SERVICE, RIVERVIEW STATION POST OFFICE, St. Paul, MN, Employer	)	

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

ORDER REMANDING CASE

Before:
ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge

On May 8, 2026 appellant filed a timely appeal from an April 21, 2026 nonmerit decision of the Office of Workers' Compensation Programs (OWCP).[1] The Clerk of the Appellate Boards assigned the appeal Docket No. 26-0544.[2]

On October 4, 2023 appellant, then a 63-year-old mail handler, filed a traumatic injury claim (Form CA-1) alleging that on September 29, 2023 she sustained bilateral knee and foot contusions and sciatica when she tripped and fell over a mat/rug while in the performance of duty.

[1] The Board notes that, during the pendency of this appeal, OWCP issued a May 14, 2026 nonmerit decision, denying appellant's April 28, 2026 request for reconsideration of the merits of her claim, finding that it was untimely filed and failed to demonstrate clear evidence of error. However, the Board and OWCP may not simultaneously exercise jurisdiction over the same underlying issue(s). Therefore, OWCP's May 14, 2026 decision is set aside as null and void. 20 C.F.R. §§ 501.2(c)(3), 10.626; *see D.M.,* Docket No. 22-1152 (issued March 28, 2023); *Order Dismissing Appeal, M.P.,* Docket No. 20-0200 (issued May 25, 2022); *Douglas E. Billings,* 41 ECAB 880 (1990).

[2] The Board notes that following the April 21, 2026 decision, OWCP received additional evidence. However, the Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

OWCP accepted the claim for left foot contusion. It subsequently expanded the acceptance of the claim to include bilateral knee and right foot contusions, right knee, lumbar, and pelvic sprains.

Appellant filed claims for compensation (Form CA-7) for disability from work during the period December 27, 2023 through March 31, 2024.

By decision dated June 26, 2024, OWCP denied appellant's disability claim, finding that the medical evidence of record was insufficient to establish disability from work for the period December 30, 2023 through March 30, 2024, causally related to her September 29, 2023 employment injury.

OWCP subsequently received additional medical evidence, including a duty status report (Form CA-17), dated March 26, 2024, bearing an illegible physician's signature, which listed appellant's work restrictions; a report from Dr. Kristin L. Coulter, a Board-certified family medicine practitioner, dated November 9, 2025; a report from Dr. Jonathan Tallman, a Board-certified family medicine practitioner, dated November 20, 2025; reports from Dr. Dennis Vanden Berge, an orthopedic surgeon, dated November 25 and December 9, 2025; a report from Casey McAllister, certified physician assistant dated November 12, 2025; and a report from Rena Last, certified physician assistant, dated December 2, 2025. It also received appellant's request for a reasonable accommodation under the American Disability Act due to her September 29, 2023 employment injury.

On February 27, 2026 appellant requested reconsideration and submitted a February 27, 2026 report from Sara Budhoo, a certified physician assistant.

By decision dated April 21, 2026, OWCP summarily denied appellant's February 27, 2026 request for reconsideration of the merits of her claim, finding that it was untimely filed and failed to demonstrate clear evidence of error.

The Board, having duly considered this matter, finds that the case is not in posture for decision.

In its April 21, 2026 decision, OWCP failed to comply with the review requirements of FECA and its implementing regulations.[3] Section 8124(a) of FECA provides that OWCP shall determine and make a finding of fact and make an award for or against payment of compensation.[4] Its regulations at 20 C.F.R. § 10.126 provide that the decision of the Director of OWCP shall contain findings of fact and a statement of reasons.[5] As well, OWCP's procedures provide that

[3] *See Order Remanding Case, G.W.*, Docket No. 26-0437 (issued July 27, 2026); *Order Remanding Case, T.B.,* Docket No. 25-0421 (issued June 23, 2025); *Order Remanding Case, J.B.,* Docket No. 24-0760 (issued August 28, 2024); *Order Remanding Case, J.D.,* Docket No. 24-0044 (issued April 22, 2024); *Order Remanding Case, R.G.,* Docket No. 23-0011 (issued June 14, 2023); *Order Remanding Case, C.G.,* Docket No. 20-0051 (issued June 29, 2020); *see also* 20 C.F.R. § 10.607(b).

[4] 5 U.S.C. § 8124(a).

[5] 20 C.F.R. § 10.126.

the reasoning behind OWCP's evaluation should be clear enough for the reader to understand the precise defect of the claim and the kind of evidence which would overcome it.[6]

In its April 21, 2026 decision, OWCP summarily denied appellant's reconsideration request. It did not discharge its responsibility to set forth findings of fact and a clear statement of reasons, explaining the disposition, so that appellant could understand the basis for its decision regarding clear evidence of error. The Board shall therefore set aside OWCP's April 21 2026 decision and remand the case for an appropriate decision, which describes the evidence submitted and provides detailed reasons for accepting or rejecting the reconsideration request.[7] Accordingly,

IT IS HEREBY ORDERED THAT the April 21, 2026 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: September 9, 2026
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board

[6] Federal (FECA) Procedure Manual, Part 2 -- Claims, *Disallowances*, Chapter 2.1400.5 (version 1.0, issued March 16, 2026) (all decisions should contain findings of fact sufficient to identify the benefit being denied and the reason for the disallowance).

[7] *See T.B., supra* note 3; *Order Remanding Case, M.B.,* Docket No. 22-1026 (issued January 25, 2023); *Order Remanding Case, P.G.*, Docket No. 17-1461 (issued February 7, 2019); *R.T.,* Docket No. 19-0604 (issued September 13, 2019). *See also J.S.*, Docket No. 26-0220 (issued May 15, 2026).